

EHB 2969 - S COMM AMD

By Committee on Ways & Means

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that the current
4 state printing enterprise approach should be reviewed and modified to
5 accommodate new technology, changing industry trends, and agency
6 practices of distributing more information electronically rather than
7 using paper documents. The legislature intends to facilitate the
8 public printer's efforts to function more efficiently through the
9 changes, transfer of duties, and study in this act.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW
11 to read as follows:

12 (1) The department shall broker print management contracts for
13 state agencies that are required to utilize print management contracts
14 under this section.

15 (2) The department is authorized to broker print management
16 contracts for other state agencies that choose to utilize these
17 services.

18 (3) Except as provided under subsection (6) of this section, all
19 state agencies with total annual average full-time equivalent staff
20 that exceeds one thousand as determined by the office of financial
21 management shall utilize print management services brokered by the
22 department, as follows:

23 (a) Any agency with a copier and multifunctional device contract
24 that is set to expire on or before December 31, 2010, may opt to:

25 (i) Renew the copier and multifunctional device contract; or

26 (ii) Enter a print management contract;

27 (b) Any agency with a copier and multifunctional device contract
28 that is set to expire on or after January 1, 2011, shall begin planning
29 for the transition to a print management contract six months prior to

1 the expiration date of the contract. Upon expiration of the copier and
2 multifunctional device contract, the agency shall utilize a print
3 management contract; and

4 (c) Any agency with a copier and multifunctional device contract
5 that is terminated on or after January 1, 2011, shall enter a print
6 management contract.

7 (4) Until December 31, 2016, for each agency transitioning from a
8 copier and multifunctional device contract to a print management
9 contract, the print management contract should result in savings in
10 comparison with the prior copier and multifunctional device contract.

11 (5) If an agency has more full-time equivalent employees than it
12 had when it entered its most recently completed print management
13 contract, the cost of a new print management contract may exceed the
14 cost of the most recently completed print management contract.

15 (6) The director of financial management may exempt a state agency,
16 or a program within a state agency, from the requirements of this
17 section if the director deems it unfeasible or the department and
18 agency could not reasonably reach an agreement regarding print
19 management.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW
21 to read as follows:

22 (1) The department shall consult with the office of financial
23 management and state agencies to more efficiently manage the use of
24 envelopes by standardizing them to the extent feasible given the
25 business needs of state agencies.

26 (2) All state agencies with total annual average full-time
27 equivalent staff that exceeds one thousand as determined by the office
28 of financial management shall cooperate with the department in efforts
29 to standardize envelopes under subsection (1) of this section. In the
30 event that an agency is updating a mailing, the agency shall transition
31 to an envelope recommended by the department, unless the office of
32 financial management considers the change unfeasible.

33 (3) State agencies with one thousand total annual average full-time
34 equivalent staff or less, as determined by the office of financial
35 management, are encouraged to cooperate with the department to
36 standardize envelopes under this section.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW
2 to read as follows:

3 For every printing job and binding job ordered by a state agency,
4 the department shall advise the agency on how to choose more economic
5 and efficient options to reduce costs.

6 NEW SECTION. **Sec. 5.** The department of information services shall
7 report to the legislature by December 1, 2010, on:

8 (1) Progress in implementing section 2 of this act and a detailed
9 analysis of savings to date and potential future savings given
10 continued implementation efforts;

11 (2) Progress in standardizing envelopes under section 3 of this
12 act, especially the reduction in the types of envelopes used and a
13 detailed analysis of savings to date and potential future savings as
14 efforts to standardize envelopes continue to be implemented; and

15 (3) An updated strategic plan for the duties and functions
16 performed by the public printer prior to July 1, 2010. The plan must
17 describe changes to the business model to make operations and services
18 more enterprise focused within the parameters of the public printer's
19 mission prior to July 1, 2010, and describe pricing practices.

20 **Sec. 6.** RCW 43.78.080 and 1972 ex.s. c 1 s 1 are each amended to
21 read as follows:

22 All printing, ruling, binding, and other work done or supplies
23 furnished by the state printing plant for the various state
24 departments, commissions, institutions, boards, and officers shall be
25 paid for on an actual cost basis as determined from a standard cost
26 finding system to be maintained by the state printing plant. In no
27 event shall the price charged the various state departments,
28 commissions, institutions, boards, and officers exceed those
29 established by the (~~Porte Publishing Company's~~) Franklin Printing
30 Catalogue for similar and comparable work. All bills for printing,
31 ruling, binding, and other work done or for supplies furnished by the
32 state printing plant shall be certified and sworn to by the (~~public
33 printer~~) department.

34 The public printing shall be divided into the following classes:

35 FIRST CLASS. The bills, resolutions, and other matters that may be

1 ordered by the legislature, or either branch thereof, in bill form,
2 shall constitute the first class, and shall be printed in such form as
3 the legislature shall provide.

4 SECOND CLASS. The second class shall consist of printing and
5 binding of journals of the senate and house of representatives, and the
6 annual and biennial reports of the several state officers, state
7 commissions, boards, and institutions, with the exception of the
8 reports of the attorney general and the governor's message to the
9 legislature, which shall be printed and bound in the same style as
10 heretofore. Said journals and reports shall be printed in such form as
11 the senate and house of representatives and the various state officers,
12 commissions, boards, and institutions shall respectively provide.

13 THIRD CLASS. The third class shall consist of all reports,
14 communications, and all other documents that may be ordered printed in
15 book form by the legislature or either branch thereof, and all reports,
16 books, pamphlets, and other like matter printed in book form required
17 by all state officers, boards, commissions, and institutions shall be
18 printed in such form and style, and set in such size type, and printed
19 on such grade of paper as may be desired by the state officer, board,
20 commission, or institution ordering them, and which they think will
21 best serve the purpose for which intended.

22 FOURTH CLASS. The fourth class shall consist of the session laws,
23 and shall be printed and bound in such form as the statute law
24 committee shall provide.

25 FIFTH CLASS. The fifth class shall consist of the printing of all
26 stationery blanks, record books, and circulars, and all printing and
27 binding required by the respective state officers, boards, commissions,
28 and institutions not covered by classes one, two, three, and four.

29 **Sec. 7.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read
30 as follows:

31 The ((~~public printer~~)) department shall print and bind the session
32 laws, the journals of the two houses of the legislature, all bills,
33 resolutions, documents, and other printing and binding of either the
34 senate or house, as the same may be ordered by the legislature; and
35 such forms, blanks, record books, and printing and binding of every
36 description as may be ordered by all state officers, boards,
37 commissions, and institutions, and the supreme court, and the court of

1 appeals and officers thereof, as the same may be ordered on
2 requisition, from time to time, by the proper authorities. This
3 section shall not apply to the printing of the supreme court and the
4 court of appeals reports, to the printing of bond certificates or bond
5 offering disclosure documents, to the printing of educational
6 publications of the state historical societies, or to any printing done
7 or contracted for by institutions of higher education: PROVIDED, That
8 institutions of higher education, in consultation with the (~~public
9 printer~~) department, develop vendor selection procedures comparable to
10 those used by the (~~public printer~~) department for contracted printing
11 jobs. Where any institution or institution of higher learning of the
12 state is or may become equipped with facilities for doing such work, it
13 may do any printing: (1) For itself, or (2) for any other state
14 institution when such printing is done as part of a course of study
15 relative to the profession of printer. Any printing and binding of
16 whatever description as may be needed by any institution or agency of
17 the state department of social and health services not at Olympia, or
18 the supreme court or the court of appeals or any officer thereof, the
19 estimated cost of which shall not exceed one thousand dollars, may be
20 done by any private printing company in the general vicinity within the
21 state of Washington so ordering, if in the judgment of the officer of
22 the agency so ordering, the saving in time and processing justifies the
23 award to such local private printing concern.

24 Beginning on July 1, 1989, and on July 1st of each succeeding odd-
25 numbered year, the dollar limit specified in this section shall be
26 adjusted as follows: The office of financial management shall
27 calculate such limit by adjusting the previous biennium's limit by an
28 appropriate federal inflationary index reflecting the rate of inflation
29 for the previous biennium. Such amounts shall be rounded to the
30 nearest fifty dollars.

31 **Sec. 8.** RCW 43.78.070 and 2009 c 549 s 5148 are each amended to
32 read as follows:

33 The (~~public printer~~) department shall use the state printing
34 plant upon the following conditions(~~, to wit~~):

35 (1) (~~He or she~~) The department shall do the public printing, and
36 charge (~~therefor the~~) fees as provided by law. (~~He or she~~) The

1 department may print the Washington Reports for the publishers
2 ((~~thereof~~)) under a contract ((~~approved in writing by the governor~~)).

3 (2) The ((~~gross income of the public printer shall be deposited in~~
4 ~~an account designated~~)) director of the department of information
5 services shall transfer any residual funds remaining in the "state
6 printing plant revolving fund" ((~~in depositaries approved by the state~~
7 ~~treasurer, and shall be disbursed by the public printer by check and~~
8 ~~only as follows:~~

9 First, ~~in payment of the actual cost of labor, material, supplies,~~
10 ~~replacements, repairs, water, light, heat, telephone, rent, and all~~
11 ~~other expenses necessary in the operation of the plant: PROVIDED, That~~
12 ~~no machinery shall be purchased except on written approval of the~~
13 ~~governor;~~

14 Second, ~~in payment of the cost of reasonable insurance upon the~~
15 ~~printing plant, payable to the state and of all fidelity bonds required~~
16 ~~by law of the public printer;~~

17 Third, ~~in payment to the public printer of a salary which shall be~~
18 ~~fixed by the governor in accordance with the provisions of RCW~~
19 ~~43.03.040;~~

20 Fourth, ~~in remitting the balance to the state treasurer for the~~
21 ~~general fund: PROVIDED, That a reasonable sum to be determined by the~~
22 ~~governor, the public printer, and the director of financial management~~
23 ~~shall be retained in the fund for working capital for the public~~
24 ~~printer)) to the public printing revolving account established in
25 section 9 of this act.~~

26 NEW SECTION. Sec. 9. A new section is added to chapter 43.105 RCW
27 to read as follows:

28 The public printing revolving account is created in the custody of
29 the state treasurer. All receipts from public printing must be
30 deposited in the account. Expenditures from the account may be used
31 only for administrative and operating purposes related to public
32 printing. Only the director or the director's designee may authorize
33 expenditures from the account. The account is subject to allotment
34 procedures under chapter 43.88 RCW, but an appropriation is not
35 required for expenditures.

1 Washington small businesses to the maximum extent practicable and
2 consistent with international trade agreement commitments.

3 (2) In event any work or supplies are secured on behalf of the
4 state under this section the state printing plant shall be entitled to
5 add up to five percent to the cost (~~(thereof)~~) to cover the handling of
6 the orders which shall be added to the bills and charged to the
7 respective authorities ordering the work or supplies. The five percent
8 handling charge shall not apply to contracts with institutions of
9 higher education.

10 (3) The definitions in this subsection apply throughout this
11 section.

12 (a) "Common vendor registration and bid notification system" has
13 the definition in RCW 39.29.006.

14 (b) "Small business" has the definition in RCW 39.29.006.

15 **Sec. 14.** RCW 43.78.170 and 2009 c 356 s 5 are each amended to read
16 as follows:

17 Except as provided in RCW 43.19A.022(3), the (~~(public printer)~~)
18 department shall use one hundred percent recycled copy and printing
19 paper for all jobs printed on white copy and printing paper.

20 **Sec. 15.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and
21 2009 c 486 s 14 are each reenacted and amended to read as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly (~~(required [requires])~~) requires otherwise.

24 (1) "Administrator" means the community technology opportunity
25 program administrator designated by the department.

26 (2) "Backbone network" means the shared high-density portions of
27 the state's telecommunications transmission facilities. It includes
28 specially conditioned high-speed communications carrier lines,
29 multiplexors, switches associated with such communications lines, and
30 any equipment and software components necessary for management and
31 control of the backbone network.

32 (3) "Board" means the information services board.

33 (4) "Broadband" means a high-speed, high capacity transmission
34 medium, using land-based, satellite, wireless, or any other mechanism,
35 that can carry either signals or transmit data, or both, over long
36 distances by using a wide range of frequencies.

1 (5) "Committee" means the state interoperability executive
2 committee.

3 (6) "Common vendor registration and bid notification system" has
4 the definition in RCW 39.29.006.

5 (7) "Community technology programs" means programs that are engaged
6 in diffusing information and communications technology in local
7 communities, particularly in unserved and underserved areas of the
8 state. These programs may include, but are not limited to, programs
9 that provide education and skill-building opportunities, hardware and
10 software, internet connectivity, digital media literacy, development of
11 locally relevant content, and delivery of vital services through
12 technology.

13 (8) "Copier and multifunctional device contract" means a contract
14 to lease or purchase copiers and/or multifunctional devices to meet
15 office printing needs, procured and administered by the department of
16 general administration, under chapter 43.19 RCW.

17 (9) "Council" means the advisory council on digital inclusion
18 created in RCW 43.105.400.

19 (~~(9)~~) (10) "Department" means the department of information
20 services.

21 (~~(10)~~) (11) "Director" means the director of the department.

22 (~~(11)~~) (12) "Educational sectors" means those institutions of
23 higher education, school districts, and educational service districts
24 that use the network for distance education, data transmission, and
25 other uses permitted by the K-20 board.

26 (~~(12)~~) (13) "Equipment" means the machines, devices, and
27 transmission facilities used in information processing, such as
28 computers, word processors, terminals, telephones, wireless
29 communications system facilities, cables, and any physical facility
30 necessary for the operation of such equipment.

31 (~~(13)~~) (14) "High-speed internet" means broadband.

32 (~~(14)~~) (15) "Information" includes, but is not limited to, data,
33 text, voice, and video.

34 (~~(15)~~) (16) "Information processing" means the electronic
35 capture, collection, storage, manipulation, transmission, retrieval,
36 and presentation of information in the form of data, text, voice, or
37 image and includes telecommunications and office automation functions.

1 ~~((16))~~ (17) "Information services" means data processing,
2 telecommunications, office automation, and computerized information
3 systems.

4 ~~((17))~~ (18) "Information technology portfolio" or "portfolio"
5 means a strategic management process documenting relationships between
6 agency missions and information technology and telecommunications
7 investments.

8 ~~((18))~~ (19) "K-20 educational network board" or "K-20 board"
9 means the K-20 educational network board created in RCW 43.105.800.

10 ~~((19))~~ (20) "K-20 network" means the network established in RCW
11 43.105.820.

12 ~~((20))~~ (21) "K-20 network technical steering committee" or
13 "committee" means the K-20 network technical steering committee created
14 in RCW 43.105.810.

15 ~~((21))~~ (22) "Local governments" includes all municipal and quasi
16 municipal corporations and political subdivisions, and all agencies of
17 such corporations and subdivisions authorized to contract separately.

18 ~~((22))~~ (23) "Oversight" means a process of comprehensive risk
19 analysis and management designed to ensure optimum use of information
20 technology resources and telecommunications.

21 ~~((23))~~ (24) "Print management contract" means a contract or
22 agreement with a vendor for the provision of print management services.
23 The purpose of this type of contract is to reduce the costs of printing
24 documents and to increase efficiency. Such a contract must include,
25 but not be limited to:

26 (a) Agreement that the agency:

27 (i) Is responsible to pay a monthly fee associated with an agreed
28 upon number of copies;

29 (ii) Provides all paper to supply its printer services needs;

30 (iii) Pays a monthly fee to the vendor for an agreed upon number of
31 copies; and

32 (iv) Is not responsible for any payment beyond the monthly fee;

33 (b) Agreement that the vendor:

34 (i) Is responsible for all services and supplies associated with
35 the management of office printing, other than paper, including, but not
36 limited to:

37 (A) Providing all related devices, hardware, and software, except
38 in cases where the contract specifies otherwise;

1 (B) Installation;

2 (C) Maintenance;

3 (D) Removal; and

4 (E) Replacement; and

5 (ii) May not assess any additional fee beyond the agreed upon
6 monthly fee.

7 (25) "Print management services" means services that provide
8 management of office printing, which includes providing printer
9 devices, supplies, consumables, repair services, and support within an
10 enterprise.

11 (26) "Proprietary software" means that software offered for sale or
12 license.

13 ~~((+24))~~ (27) "Purchased services" means services provided by a
14 vendor to accomplish routine, continuing, and necessary functions.
15 This term includes, but is not limited to, services acquired for
16 equipment maintenance and repair, operation of a physical plant,
17 security, computer hardware and software installation and maintenance,
18 telecommunications installation and maintenance, data entry, keypunch
19 services, programming services, and computer time-sharing.

20 ~~((+25))~~ (28) "Small business" has the definition in RCW 39.29.006.

21 ~~((+26))~~ (29) "Telecommunications" means the transmission of
22 information by wire, radio, optical cable, electromagnetic, or other
23 means.

24 ~~((+27))~~ (30) "Video telecommunications" means the electronic
25 interconnection of two or more sites for the purpose of transmitting
26 and/or receiving visual and associated audio information. Video
27 telecommunications shall not include existing public television
28 broadcast stations as currently designated by the department of
29 commerce under chapter 43.330 RCW.

30 **Sec. 16.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to
31 read as follows:

32 (1) The board shall have the following powers and duties related to
33 information services:

34 (a) To develop standards and procedures governing the acquisition
35 and disposition of equipment, proprietary software and purchased
36 services, licensing of the radio spectrum by or on behalf of state

1 agencies, (~~and~~) confidentiality of computerized data, and standards
2 for print management services;

3 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
4 maintain equipment, proprietary software, and purchased services, or to
5 delegate to other agencies and institutions of state government, under
6 appropriate standards, the authority to purchase, lease, rent, or
7 otherwise acquire, dispose of, and maintain equipment, proprietary
8 software, and purchased services: PROVIDED, That, agencies and
9 institutions of state government are expressly prohibited from
10 acquiring or disposing of equipment, proprietary software, and
11 purchased services without such delegation of authority. The
12 acquisition and disposition of equipment, proprietary software, and
13 purchased services is exempt from RCW 43.19.1919 and, as provided in
14 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
15 except that the board, the department, and state agencies, as
16 delegated, must post notices of technology procurement bids on the
17 state's common vendor registration and bid notification system. This
18 subsection (1)(b) does not apply to the legislative branch;

19 (c) To develop statewide or interagency technical policies,
20 standards, and procedures;

21 (d) To review and approve standards and common specifications for
22 new or expanded telecommunications networks proposed by agencies,
23 public postsecondary education institutions, educational service
24 districts, or statewide or regional providers of K-12 information
25 technology services, and to assure the cost-effective development and
26 incremental implementation of a statewide video telecommunications
27 system to serve: Public schools; educational service districts;
28 vocational-technical institutes; community colleges; colleges and
29 universities; state and local government; and the general public
30 through public affairs programming;

31 (e) To provide direction concerning strategic planning goals and
32 objectives for the state. The board shall seek input from the
33 legislature and the judiciary;

34 (f) To develop and implement a process for the resolution of
35 appeals by:

36 (i) Vendors concerning the conduct of an acquisition process by an
37 agency or the department; or

1 (ii) A customer agency concerning the provision of services by the
2 department or by other state agency providers;

3 (g) To establish policies for the periodic review by the department
4 of agency performance which may include but are not limited to analysis
5 of:

6 (i) Planning, management, control, and use of information services;

7 (ii) Training and education; and

8 (iii) Project management;

9 (h) To set its meeting schedules and convene at scheduled times, or
10 meet at the request of a majority of its members, the chair, or the
11 director;

12 (i) To review and approve that portion of the department's budget
13 requests that provides for support to the board; and

14 (j) To develop procurement policies and procedures, such as
15 unbundled contracting and subcontracting, that encourage and facilitate
16 the purchase of products and services by state agencies and
17 institutions from Washington small businesses to the maximum extent
18 practicable and consistent with international trade agreement
19 commitments.

20 (2) Statewide technical standards to promote and facilitate
21 electronic information sharing and access are an essential component of
22 acceptable and reliable public access service and complement content-
23 related standards designed to meet those goals. The board shall:

24 (a) Establish technical standards to facilitate electronic access
25 to government information and interoperability of information systems,
26 including wireless communications systems. Local governments are
27 strongly encouraged to follow the standards established by the board;
28 and

29 (b) Require agencies to consider electronic public access needs
30 when planning new information systems or major upgrades of systems.

31 In developing these standards, the board is encouraged to include
32 the state library, state archives, and appropriate representatives of
33 state and local government.

34 (3)(a) The board, in consultation with the K-20 board, has the duty
35 to govern, operate, and oversee the technical design, implementation,
36 and operation of the K-20 network including, but not limited to, the
37 following duties: Establishment and implementation of K-20 network
38 technical policy, including technical standards and conditions of use;

1 review and approval of network design; procurement of shared network
2 services and equipment; and resolving user/provider disputes concerning
3 technical matters. The board shall delegate general operational and
4 technical oversight to the K-20 network technical steering committee as
5 appropriate.

6 (b) The board has the authority to adopt rules under chapter 34.05
7 RCW to implement the provisions regarding the technical operations and
8 conditions of use of the K-20 network.

9 **Sec. 17.** RCW 1.08.039 and 1955 c 235 s 8 are each amended to read
10 as follows:

11 The committee may enter into contracts or otherwise arrange for the
12 publication and/or distribution, provided for in RCW 1.08.038, with or
13 without calling for bids, by the (~~public printer~~) department of
14 information services or by private printer, upon specifications
15 formulated under the authority of RCW 1.08.037, and upon such basis as
16 the committee deems to be most expeditious and economical. Any such
17 contract may be upon such terms as the committee deems to be most
18 advantageous to the state and to potential purchasers of such
19 publications. The committee shall fix terms and prices for such
20 publications.

21 **Sec. 18.** RCW 15.24.085 and 2002 c 313 s 121 are each amended to
22 read as follows:

23 The restrictive provisions (~~of chapter 43.78~~) relating to public
24 printing in chapter 43.105 RCW shall not apply to promotional printing
25 and literature for the Washington apple commission, the Washington
26 state fruit commission, or the Washington state dairy products
27 commission.

28 **Sec. 19.** RCW 15.62.190 and 1989 c 5 s 19 are each amended to read
29 as follows:

30 The restrictive provisions (~~of chapter 43.78~~) relating to public
31 printing in chapter 43.105 RCW shall not apply to promotional printing
32 and literature for the Washington state honey bee commission.

33 **Sec. 20.** RCW 16.67.170 and 1969 c 133 s 16 are each amended to
34 read as follows:

1 The restrictive provisions (~~(of chapter 43.78 RCW, as now or~~
2 ~~hereafter amended,~~) relating to public printing in chapter 43.105 RCW
3 shall not apply to promotional printing and literature for the
4 commission.

5 **Sec. 21.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
6 read as follows:

7 In addition to any other powers and duties as provided by law, the
8 powers and duties of the superintendent of public instruction shall be:

9 (1) To have supervision over all matters pertaining to the public
10 schools of the state;

11 (2) To report to the governor and the legislature such information
12 and data as may be required for the management and improvement of the
13 schools;

14 (3) To prepare and have printed such forms, registers, courses of
15 study, rules for the government of the common schools, and such other
16 material and books as may be necessary for the discharge of the duties
17 of teachers and officials charged with the administration of the laws
18 relating to the common schools, and to distribute the same to
19 educational service district superintendents;

20 (4) To travel, without neglecting his or her other official duties
21 as superintendent of public instruction, for the purpose of attending
22 educational meetings or conventions, of visiting schools, and of
23 consulting educational service district superintendents or other school
24 officials;

25 (5) To prepare and from time to time to revise a manual of the
26 Washington state common school code, copies of which shall be made
27 available online and which shall be sold at approximate actual cost of
28 publication and distribution per volume to public and nonpublic
29 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
30 rules related to the common schools, and such other matter as the state
31 superintendent or the state board of education shall determine.
32 Proceeds of the sale of such code shall be (~~transmitted to the public~~
33 ~~printer who shall credit the state superintendent's account within~~)
34 deposited in the state printing plant revolving fund (~~by a like~~
35 ~~amount~~) and credited to the state superintendent's account within the
36 fund;

1 (6) To file all papers, reports and public documents transmitted to
2 the superintendent by the school officials of the several counties or
3 districts of the state, each year separately. Copies of all papers
4 filed in the superintendent's office, and the superintendent's official
5 acts, may, or upon request, shall be certified by the superintendent
6 and attested by the superintendent's official seal, and when so
7 certified shall be evidence of the papers or acts so certified to;

8 (7) To require annually, on or before the 15th day of August, of
9 the president, manager, or principal of every educational institution
10 in this state, a report as required by the superintendent of public
11 instruction; and it is the duty of every president, manager, or
12 principal, to complete and return such forms within such time as the
13 superintendent of public instruction shall direct;

14 (8) To keep in the superintendent's office a record of all teachers
15 receiving certificates to teach in the common schools of this state;

16 (9) To issue certificates as provided by law;

17 (10) To keep in the superintendent's office at the capital of the
18 state, all books and papers pertaining to the business of the
19 superintendent's office, and to keep and preserve in the
20 superintendent's office a complete record of statistics, as well as a
21 record of the meetings of the state board of education;

22 (11) With the assistance of the office of the attorney general, to
23 decide all points of law which may be submitted to the superintendent
24 in writing by any educational service district superintendent, or that
25 may be submitted to the superintendent by any other person, upon appeal
26 from the decision of any educational service district superintendent;
27 and the superintendent shall publish his or her rulings and decisions
28 from time to time for the information of school officials and teachers;
29 and the superintendent's decision shall be final unless set aside by a
30 court of competent jurisdiction;

31 (12) To administer oaths and affirmations in the discharge of the
32 superintendent's official duties;

33 (13) To deliver to his or her successor, at the expiration of the
34 superintendent's term of office, all records, books, maps, documents
35 and papers of whatever kind belonging to the superintendent's office or
36 which may have been received by the superintendent's for the use of the
37 superintendent's office;

1 (14) To administer family services and programs to promote the
2 state's policy as provided in RCW 74.14A.025;

3 (15) To promote the adoption of school-based curricula and policies
4 that provide quality, daily physical education for all students, and to
5 encourage policies that provide all students with opportunities for
6 physical activity outside of formal physical education classes;

7 (16) To perform such other duties as may be required by law.

8 **Sec. 22.** RCW 28B.10.029 and 2004 c 167 s 10 are each amended to
9 read as follows:

10 (1) An institution of higher education may exercise independently
11 those powers otherwise granted to the director of general
12 administration in chapter 43.19 RCW in connection with the purchase and
13 disposition of all material, supplies, services, and equipment needed
14 for the support, maintenance, and use of the respective institution of
15 higher education. Property disposition policies followed by
16 institutions of higher education shall be consistent with policies
17 followed by the department of general administration. Purchasing
18 policies and procedures followed by institutions of higher education
19 shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and
20 RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937,
21 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560
22 through 43.19.637. The community and technical colleges shall comply
23 with RCW 43.19.450. Except for the University of Washington,
24 institutions of higher education shall comply with RCW 43.41.310,
25 43.41.290, and 43.41.350. If an institution of higher education can
26 satisfactorily demonstrate to the director of the office of financial
27 management that the cost of compliance is greater than the value of
28 benefits from any of the following statutes, then it shall be exempt
29 from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution
30 of higher education that chooses to exercise independent purchasing
31 authority for a commodity or group of commodities shall notify the
32 director of general administration. Thereafter the director of general
33 administration shall not be required to provide those services for that
34 institution for the duration of the general administration contract
35 term for that commodity or group of commodities.

36 (2) The council of presidents and the state board for community and

1 technical colleges shall convene its correctional industries business
2 development advisory committee, and work collaboratively with
3 correctional industries, to:

4 (a) Reaffirm purchasing criteria and ensure that quality, service,
5 and timely delivery result in the best value for expenditure of state
6 dollars;

7 (b) Update the approved list of correctional industries products
8 from which higher education shall purchase; and

9 (c) Develop recommendations on ways to continue to build
10 correctional industries' business with institutions of higher
11 education.

12 (3) Higher education and correctional industries shall develop a
13 plan to build higher education business with correctional industries to
14 increase higher education purchases of correctional industries
15 products, based upon the criteria established in subsection (2) of this
16 section. The plan shall include the correctional industries'
17 production and sales goals for higher education and an approved list of
18 products from which higher education institutions shall purchase, based
19 on the criteria established in subsection (2) of this section. Higher
20 education and correctional industries shall report to the legislature
21 regarding the plan and its implementation no later than January 30,
22 2005.

23 (4) Institutions of higher education shall set as a target to
24 contract, beginning not later than June 30, 2006, to purchase one
25 percent of the total goods and services required by the institutions
26 each year produced or provided in whole or in part from class II inmate
27 work programs operated by the department of corrections. Institutions
28 of higher education shall set as a target to contract, beginning not
29 later than June 30, 2008, to purchase two percent of the total goods
30 and services required by the institutions each year produced or
31 provided in whole or in part from class II inmate work programs
32 operated by the department of corrections.

33 (5) An institution of higher education may exercise independently
34 those powers otherwise granted to the ((public printer)) department of
35 information services in chapter ((43.78)) 43.105 RCW in connection with
36 the production or purchase of any printing and binding needed by the
37 respective institution of higher education. Purchasing policies and
38 procedures followed by institutions of higher education shall be in

1 compliance with chapters 39.19 and 43.105 RCW. Any institution of
2 higher education that chooses to exercise independent printing
3 production or purchasing authority shall notify the ((public printer))
4 department of information services. Thereafter the ((public printer))
5 department of information services shall not be required to provide
6 those services for that institution.

7 **Sec. 23.** RCW 40.04.030 and 1995 c 24 s 1 are each amended to read
8 as follows:

9 The ((public printer)) department of information services shall
10 deliver to the statute law committee all bound volumes of the session
11 laws. The ((public printer)) department of information services shall
12 deliver the house and senate journals as they are published to the
13 chief clerk of the house of representatives and the secretary of the
14 senate, as appropriate. The publisher of the supreme court reports and
15 the court of appeals reports of the state of Washington shall deliver
16 the copies that are purchased by the supreme court for the use of the
17 state to the state law librarian.

18 **Sec. 24.** RCW 40.06.030 and 2006 c 199 s 5 are each amended to read
19 as follows:

20 (1) Every state agency shall promptly submit to the state library
21 copies of published information that are state publications.

22 (a) For state publications available only in print format, each
23 state agency shall deposit, at a minimum, two copies of each of its
24 publications with the state library. For the purposes of broad public
25 access, state agencies may deposit additional copies with the state
26 library for distribution to additional depository libraries.

27 (b) For state publications available only in electronic format,
28 each state agency shall deposit one copy of each of its publications
29 with the state library.

30 (c) For state publications available in both print and electronic
31 format, each state agency shall deposit two print copies and one
32 electronic copy of the publication with the state library.

33 (2) Annually, each state agency shall provide the state library
34 with a listing of all its publications made available to state
35 government and the public during the preceding year, including those

1 published in electronic form. The secretary of state shall, by rule,
2 establish the annual date by which state agencies must provide the list
3 of its publications to the state library.

4 (3) In the interest of economy and efficiency, the state librarian
5 may specifically or by general rule exempt a given state publication or
6 class of publications from the requirements of this section in full or
7 in part.

8 (4) Upon consent of the issuing state agency, such state
9 publications as are printed by the (~~public printer~~) department of
10 information services shall be delivered directly to the center.

11 **Sec. 25.** RCW 40.07.050 and 1986 c 158 s 5 are each amended to read
12 as follows:

13 Neither the (~~public printer~~) department of information services
14 nor any state agency shall print or authorize for printing any state
15 publication that has been determined by the director to be inconsistent
16 with RCW 40.07.030 except to the extent this requirement may conflict
17 with the laws of the United States or any rules or regulations lawfully
18 promulgated under those laws. A copy of any state publication printed
19 without the approval of the director under the exceptions authorized in
20 this section shall be filed with the director with a letter of
21 transmittal citing the federal statute, rule, or regulation requiring
22 the publication.

23 **Sec. 26.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are
24 each reenacted and amended to read as follows:

25 (1) The provisions of this chapter do not apply to:

26 (a) The members of the legislature or to any employee of, or
27 position in, the legislative branch of the state government including
28 members, officers, and employees of the legislative council, joint
29 legislative audit and review committee, statute law committee, and any
30 interim committee of the legislature;

31 (b) The justices of the supreme court, judges of the court of
32 appeals, judges of the superior courts or of the inferior courts, or to
33 any employee of, or position in the judicial branch of state
34 government;

35 (c) Officers, academic personnel, and employees of technical
36 colleges;

- 1 (d) The officers of the Washington state patrol;
- 2 (e) Elective officers of the state;
- 3 (f) The chief executive officer of each agency;
- 4 (g) In the departments of employment security and social and health
5 services, the director and the director's confidential secretary; in
6 all other departments, the executive head of which is an individual
7 appointed by the governor, the director, his or her confidential
8 secretary, and his or her statutory assistant directors;
- 9 (h) In the case of a multimember board, commission, or committee,
10 whether the members thereof are elected, appointed by the governor or
11 other authority, serve ex officio, or are otherwise chosen:
- 12 (i) All members of such boards, commissions, or committees;
- 13 (ii) If the members of the board, commission, or committee serve on
14 a part-time basis and there is a statutory executive officer: The
15 secretary of the board, commission, or committee; the chief executive
16 officer of the board, commission, or committee; and the confidential
17 secretary of the chief executive officer of the board, commission, or
18 committee;
- 19 (iii) If the members of the board, commission, or committee serve
20 on a full-time basis: The chief executive officer or administrative
21 officer as designated by the board, commission, or committee; and a
22 confidential secretary to the chair of the board, commission, or
23 committee;
- 24 (iv) If all members of the board, commission, or committee serve ex
25 officio: The chief executive officer; and the confidential secretary
26 of such chief executive officer;
- 27 (i) The confidential secretaries and administrative assistants in
28 the immediate offices of the elective officers of the state;
- 29 (j) Assistant attorneys general;
- 30 (k) Commissioned and enlisted personnel in the military service of
31 the state;
- 32 (l) Inmate, student, part-time, or temporary employees, and part-
33 time professional consultants, as defined by the Washington personnel
34 resources board;
- 35 (m) (~~The public printer or to any employees of or positions in the~~
36 ~~state printing plant~~)) Employees in positions in the department of
37 information services who are engaged in performing the powers,

1 functions, and duties transferred from the public printer or the state
2 printing plant to the department of information services pursuant to
3 section 30 of this act;

4 (n) Officers and employees of the Washington state fruit
5 commission;

6 (o) Officers and employees of the Washington apple commission;

7 (p) Officers and employees of the Washington state dairy products
8 commission;

9 (q) Officers and employees of the Washington tree fruit research
10 commission;

11 (r) Officers and employees of the Washington state beef commission;

12 (s) Officers and employees of the Washington grain commission;

13 (t) Officers and employees of any commission formed under chapter
14 15.66 RCW;

15 (u) Officers and employees of agricultural commissions formed under
16 chapter 15.65 RCW;

17 (v) Officers and employees of the nonprofit corporation formed
18 under chapter 67.40 RCW;

19 (w) Executive assistants for personnel administration and labor
20 relations in all state agencies employing such executive assistants
21 including but not limited to all departments, offices, commissions,
22 committees, boards, or other bodies subject to the provisions of this
23 chapter and this subsection shall prevail over any provision of law
24 inconsistent herewith unless specific exception is made in such law;

25 (x) In each agency with fifty or more employees: Deputy agency
26 heads, assistant directors or division directors, and not more than
27 three principal policy assistants who report directly to the agency
28 head or deputy agency heads;

29 (y) All employees of the marine employees' commission;

30 (z) Staff employed by the department of (~~community, trade, and~~
31 ~~economic development~~) commerce to administer energy policy functions
32 and manage energy site evaluation council activities under RCW
33 43.21F.045(2)(m);

34 (aa) Staff employed by Washington State University to administer
35 energy education, applied research, and technology transfer programs
36 under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

37 (2) The following classifications, positions, and employees of

1 institutions of higher education and related boards are hereby exempted
2 from coverage of this chapter:

3 (a) Members of the governing board of each institution of higher
4 education and related boards, all presidents, vice presidents, and
5 their confidential secretaries, administrative, and personal
6 assistants; deans, directors, and chairs; academic personnel; and
7 executive heads of major administrative or academic divisions employed
8 by institutions of higher education; principal assistants to executive
9 heads of major administrative or academic divisions; other managerial
10 or professional employees in an institution or related board having
11 substantial responsibility for directing or controlling program
12 operations and accountable for allocation of resources and program
13 results, or for the formulation of institutional policy, or for
14 carrying out personnel administration or labor relations functions,
15 legislative relations, public information, development, senior computer
16 systems and network programming, or internal audits and investigations;
17 and any employee of a community college district whose place of work is
18 one which is physically located outside the state of Washington and who
19 is employed pursuant to RCW 28B.50.092 and assigned to an educational
20 program operating outside of the state of Washington;

21 (b) The governing board of each institution, and related boards,
22 may also exempt from this chapter classifications involving research
23 activities, counseling of students, extension or continuing education
24 activities, graphic arts or publications activities requiring
25 prescribed academic preparation or special training as determined by
26 the board: PROVIDED, That no nonacademic employee engaged in office,
27 clerical, maintenance, or food and trade services may be exempted by
28 the board under this provision;

29 (c) Printing craft employees in the department of printing at the
30 University of Washington.

31 (3) In addition to the exemptions specifically provided by this
32 chapter, the director of personnel may provide for further exemptions
33 pursuant to the following procedures. The governor or other
34 appropriate elected official may submit requests for exemption to the
35 director of personnel stating the reasons for requesting such
36 exemptions. The director of personnel shall hold a public hearing,
37 after proper notice, on requests submitted pursuant to this subsection.
38 If the director determines that the position for which exemption is

1 requested is one involving substantial responsibility for the
2 formulation of basic agency or executive policy or one involving
3 directing and controlling program operations of an agency or a major
4 administrative division thereof, the director of personnel shall grant
5 the request and such determination shall be final as to any decision
6 made before July 1, 1993. The total number of additional exemptions
7 permitted under this subsection shall not exceed one percent of the
8 number of employees in the classified service not including employees
9 of institutions of higher education and related boards for those
10 agencies not directly under the authority of any elected public
11 official other than the governor, and shall not exceed a total of
12 twenty-five for all agencies under the authority of elected public
13 officials other than the governor.

14 The salary and fringe benefits of all positions presently or
15 hereafter exempted except for the chief executive officer of each
16 agency, full-time members of boards and commissions, administrative
17 assistants and confidential secretaries in the immediate office of an
18 elected state official, and the personnel listed in subsections (1)(j)
19 through (v) and (y) and (2) of this section, shall be determined by the
20 director of personnel. Changes to the classification plan affecting
21 exempt salaries must meet the same provisions for classified salary
22 increases resulting from adjustments to the classification plan as
23 outlined in RCW 41.06.152.

24 For the twelve months following February 18, 2009, a salary or wage
25 increase shall not be granted to any position exempt from
26 classification under this chapter.

27 Any person holding a classified position subject to the provisions
28 of this chapter shall, when and if such position is subsequently
29 exempted from the application of this chapter, be afforded the
30 following rights: If such person previously held permanent status in
31 another classified position, such person shall have a right of
32 reversion to the highest class of position previously held, or to a
33 position of similar nature and salary.

34 Any classified employee having civil service status in a classified
35 position who accepts an appointment in an exempt position shall have
36 the right of reversion to the highest class of position previously
37 held, or to a position of similar nature and salary.

1 A person occupying an exempt position who is terminated from the
2 position for gross misconduct or malfeasance does not have the right of
3 reversion to a classified position as provided for in this section.

4 **Sec. 27.** RCW 43.08.061 and 1993 c 38 s 1 are each amended to read
5 as follows:

6 The ((~~public printer~~)) department of information services shall
7 print all state treasury warrants for distribution as directed by the
8 state treasurer. All warrants redeemed by the state treasurer shall be
9 retained for a period of one year, following their redemption, after
10 which they may be destroyed without regard to the requirements imposed
11 for their destruction by chapter 40.14 RCW.

12 NEW SECTION. **Sec. 28.** The following acts or parts of acts, as now
13 or hereafter amended, are each repealed:

14 (1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s
15 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;

16 (2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s
17 43.78.020;

18 (3) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;

19 (4) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s
20 43.78.050; and

21 (5) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1,
22 1969 c 6 s 7, & 1965 c 8 s 43.78.080.

23 NEW SECTION. **Sec. 29.** The following sections are each recodified
24 as sections in chapter 43.105 RCW:

- 25 RCW 43.78.030
- 26 RCW 43.78.070
- 27 RCW 43.78.090
- 28 RCW 43.78.100
- 29 RCW 43.78.105
- 30 RCW 43.78.110
- 31 RCW 43.78.130
- 32 RCW 43.78.140
- 33 RCW 43.78.150
- 34 RCW 43.78.160
- 35 RCW 43.78.170

1 NEW SECTION. **Sec. 30.** (1) The powers, duties, and functions of
2 the public printer are hereby transferred to the department of
3 information services. All references to the public printer in the
4 Revised Code of Washington shall be construed to mean the director or
5 the department of information services.

6 (2)(a) All reports, documents, surveys, books, records, files,
7 papers, or written material in the possession of the public printer
8 shall be delivered to the custody of the department of information
9 services. All cabinets, furniture, office equipment, motor vehicles,
10 and other tangible property employed by the public printer shall be
11 made available to the department of information services. All funds,
12 credits, or other assets held by the public printer shall be assigned
13 to the department of information services.

14 (b) Any appropriations made to the public printer shall, on the
15 effective date of this section, be transferred and credited to the
16 department of information services.

17 (c) If any question arises as to the transfer of any personnel,
18 funds, books, documents, records, papers, files, equipment, or other
19 tangible property used or held in the exercise of the powers and the
20 performance of the duties and functions transferred, the director of
21 financial management shall make a determination as to the proper
22 allocation and certify the same to the state agencies concerned.

23 (3) All rules and all pending business before the public printer
24 shall be continued and acted upon by the department of information
25 services. All existing contracts and obligations shall remain in full
26 force and shall be performed by the department of information services.

27 (4) The transfer of the powers, duties, functions, and personnel of
28 the public printer shall not affect the validity of any act performed
29 before the effective date of this section.

30 (5) If apportionments of budgeted funds are required because of the
31 transfers directed by this section, the director of financial
32 management shall certify the apportionments to the agencies affected,
33 the state auditor, and the state treasurer. Each of these shall make
34 the appropriate transfer and adjustments in funds and appropriation
35 accounts and equipment records in accordance with the certification.

36 (6) All employees of the public printer engaged in performing the
37 powers, functions, and duties transferred to the department of

1 information services, are transferred to the department of information
2 services.

3 (a) The commercial agreement between the graphic communications
4 conference of the international brotherhood of teamsters, local 767M
5 and the department of printing-bindery that became effective July 1,
6 2007, shall remain in effect during its duration. Upon expiration of
7 the commercial agreement, chapter 41.56 RCW shall apply to the
8 department of information services with respect to employees in
9 positions formerly covered under the expired commercial agreement.

10 (b) The commercial agreement between the graphic communications
11 conference of the international brotherhood of teamsters, local 767M
12 and the department of printing-litho that became effective July 1,
13 2007, shall remain in effect during its duration. Upon expiration of
14 the commercial agreement, chapter 41.56 RCW shall apply to the
15 department of information services with respect to the employees in
16 positions formerly covered under the expired commercial agreement.

17 (c) The typographical contract between the communications workers
18 of America, the newspaper guild, local 37082, and the department of
19 printing-typographical that became effective July 1, 2007, shall remain
20 in effect during its duration. Upon expiration of the typographical
21 contract, chapter 41.56 RCW shall apply to the department of
22 information services with respect to the employees in positions
23 formerly covered under the expired typographical contract.

24 NEW SECTION. **Sec. 31.** A new section is added to chapter 41.56 RCW
25 to read as follows:

26 (1) The legislature recognizes that, over more than fifty years,
27 the public printer and representatives of its printing craft employees
28 have achieved harmonious and cooperative labor relations. In
29 transferring the powers, duties, and functions of the public printer to
30 the department of information services, the legislature intends to
31 maintain the agreements, processes, and relationships critical to
32 continuing such relations.

33 (2) In addition to the entities listed in RCW 41.56.020, this
34 chapter applies to the department of information services with respect
35 to the printing craft employees in positions in the department who are
36 engaged in performing the powers, functions, and duties transferred

1 from the public printer or the state printing plant to the department
2 pursuant to section 30 of this act.

3 (3) This chapter governs the collective bargaining relationship
4 between the department of information services and the printing craft
5 employees, except as follows:

6 (a) The department shall be represented by the governor or
7 governor's designee in collective bargaining.

8 (b) A bargaining unit of printing craft employees covered by this
9 chapter existing on the effective date of this section shall be
10 considered an appropriate unit.

11 (c) The exclusive bargaining representatives recognized as
12 representing the bargaining units of printing craft employees covered
13 by this chapter existing on the effective date of this section shall
14 continue as the exclusive bargaining representative without the
15 necessity of an election.

16 (4) For the purposes of this section, "printing craft employees"
17 means employees in positions in the department who are engaged in
18 performing the powers, functions, and duties transferred from the
19 public printer or the state printing plant to the department pursuant
20 to section 30 of this act.

21 NEW SECTION. **Sec. 32.** Sections 1 through 25 and 27 through 31 of
22 this act take effect July 1, 2010.

23 NEW SECTION. **Sec. 33.** Section 26 of this act takes effect July 1,
24 2011.

25 NEW SECTION. **Sec. 34.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2010, in the omnibus appropriations act, this act
28 is null and void."

1 On page 1, line 2 of the title, after "printer;" strike the
2 remainder of the title and insert "amending RCW 43.78.080, 43.78.030,
3 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110, 43.78.170,
4 43.105.041, 1.08.039, 15.24.085, 15.62.190, 16.67.170, 28A.300.040,
5 28B.10.029, 40.04.030, 40.06.030, 40.07.050, and 43.08.061; reenacting
6 and amending RCW 43.105.020 and 41.06.070; adding new sections to
7 chapter 43.105 RCW; adding a new section to chapter 41.56 RCW; creating
8 new sections; recodifying RCW 43.78.030, 43.78.070, 43.78.090,
9 43.78.100, 43.78.105, 43.78.110, 43.78.130, 43.78.140, 43.78.150,
10 43.78.160, and 43.78.170; repealing RCW 43.78.010, 43.78.020,
11 43.78.040, 43.78.050, and 43.78.080; and providing effective dates."

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